

~~JUDGE'S COURTESY COPY~~

David H. Bernstein (dhbernstein@debevoise.com)
Jyotin Hamid (jhamid@debevoise.com)
Josephine D. Coakley (jdcoakley@debevoise.com)
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022
(212) 909-6000

Attorneys for Defendant The Absolut Spirits Company, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARITY GROUP, LLC and
SCOTT O. TALBOT,

Plaintiffs,

-against-

THE ABSOLUT SPIRITS COMPANY, LLC,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 10/26/09

MEMO ENDORSED

*This motion (PLT 10/24) is DENIED w/o
prejudice to renewal of the motion, for
service of process at Absolut's convenience
(by transcript). - SO ORDERED:*

*Hon. Andrew Jay Peck
United States Magistrate Judge*

FILED ELECTRONICALLY

No. 08 CV 11020 (BSJ) (AJP)

*copy for!
Hon. Barbara S. Jones
BY FAX*

NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Declaration of Simon Ford (and the exhibits thereto), Local Rule 56.1 Statement, and upon all prior pleadings and proceedings had in this case, Defendant The Absolut Spirits Company, LLC will move before the Hon. Barbara S. Jones, U.S. District Judge, at a date and time convenient for the Court, in Courtroom 17C at the United States Courthouse, 500 Pearl St., New York, New York 10007, for an order granting summary judgment in favor of the defendant and dismissing this action, with prejudice, pursuant to Fed. R. Civ. P. 56, and such other and further relief as is just and proper.

DATED: New York, New York
October 21, 2009

DEBEVOISE & PLIMPTON LLP

By: /s/ David H. Bernstein

David H. Bernstein (dhbernstein@debevoise.com)
Jyotin Hamid (jhamid@debevoise.com)
Josephine D. Coakley (jdcoakley@debevoise.com)
919 Third Avenue
New York, New York 10022
Telephone (212) 909-6000
Facsimile (212) 521-7696

*Attorneys for Defendant The Absolut Spirits Company,
LLC*

TO:

Martin S. Siegel, Esq.
Brown Rudnick, LLP
Seven Times Square
New York, New York 10036

*Counsel for Plaintiffs Charity Group, LLC
and Scott O. Talbot*

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: October 26, 2009

Total Number of Pages: 3

| TO | FAX NUMBER |
|--------------------------|--------------|
| Martin S. Siegel, Esq. | 212-209-4801 |
| David H. Bernstein, Esq. | 212-521-7696 |
| | |

TRANSCRIPTION:

MEMO ENDORSED 10/26/09

The motion (Dkt. No. 24) is DENIED w/o prejudice to renewal after discovery, for reasons discussed at today's conference (see transcript).

Copy to: Judge Barbara S. Jones